

Weighing Individual Versus Group Rights: David Rodin

Guiding Question:

Are there situations in which society allows the rights and well-being of the individual to be valued more than than the welfare and safety of a large group of people? What is the ethical reasoning behind this?

Transcript:

Five people lie critically ill in a hospital and will die if they do not receive immediate organ transplants. The only way to get the organs is to kill an innocent person. Clearly, it is not justifiable to murder one person in order to save five others from death. To do so would be to wrong that person in the most profound way.

Consider now the case of self-defense. One innocent person is attacked by five culpable aggressors. The only way that he can save his own life is to kill the five attackers. The victim here is not only permitted to kill in order to save life, he's permitted to kill five persons in order to save his own one life. Moreover, when he kills the aggressors, although he harms them, he does not wrong them. He does not violate their right not to be killed.

Consider now a third case. A hiker is lost in the woods. The only way to save himself from starvation is to break down the door of a mountain hut and to steal food from inside. Clearly, the hiker is permitted to do this, even though it contravenes the property rights of the hut owner. The action, although, in a sense, it wrongs the owner of the hut, is justified by a principle of lesser evil.

So a number of questions naturally arise when contemplating these and other examples. When do rights stand fast against aggregate welfare, as they do in the case of organ transplant and self-defense? When do they give way to aggregate welfare, as they do in the hiker case? Why do core rights against harm sometimes yield in a way that generates a liberty to inflict harm, as they do in the case of self-defense?

These are all dimensions of the problem of how rights move.

In this talk, I want to explore the ways in which these core personal rights move or, alternatively, stand fast in relation to competing considerations. In particular, I will defend three claims.

The first is that rights form a remarkable coherent and self-remedial system which contains internal mechanisms for determining when core rights against harm may be lost or forfeited, generating liberty rights to inflict upon persons harm. Central to the self-remedial system of rights is the mechanism of self-defense or defensive rights more broadly. I will develop a general model of defensive rights explaining how liability to defensive harm is morally grounded. I will show that defensive rights have a general structure which can be understood as a rich form of proportionality relationship between two individual persons in a situation of conflict.